



MONTHLY HIGHLIGHTS

**NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION**

June 2004

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

DECLINING ST. CROIX RIVER ALEWIFE POPULATIONS A CONCERN

The first report of the 2004 St. Croix alewife run as monitored at the Milltown fishway by Canada's Division of Fisheries and Oceans indicates a dramatic decrease in alewife in the past five years. As of June 14, when 99% of alewife typically pass the Milltown Dam, 951 fish were counted, a dramatic decrease from the 6,883 passing in 2003. All 951 fish were either released above the dam or trucked to the Woodland Flowage. For comparison, the average run for the past five years (1999-2003) has been 9,362; the 10-year average (1994-2003) was 196,875; and the 20-year average (1984-2003) was 652,587.

Alewife, a native species to coastal rivers throughout the northeast, are an important forage species for many commercial and recreational valuable finfish species. Atlantic salmon, Atlantic cod, bluefish, and silver hake commonly feed on adult alewife. Adult alewife harvested during the spring upstream migration are an important bait for many commercial lobstermen. In addition, the eggs, larvae, and juveniles in freshwater systems provide a valuable food source for American eel, perch, and bass. The decline in the historical alewife run raises the broader implication of impacts in the Gulf of Maine as a whole. (sean.mcdermott@noaa.gov, 978/ 281-9113)

ALTERNATIVE FLOAT STOP DESIGNS GIVEN CONSIDERATION

Sixty-eight projects were reviewed at the Army Corps of Engineers (ACOE) Maine State Joint-Processing between May and June. More than half (36) were for piers and/or ramps with associated floats. (Of the other projects, 15 applications were for bottom anchored floats in South Bristol.) The ACOE has been working with NOAA Fisheries in developing float stop designs for floats which, during most low tides, would ground out. Ice conditions and substrate have become important factors determining which float stop design is suitable for a given project. Chocks, blocks, and stingers associated with piles have all been permitted. NOAA Fisheries will continue to help evaluate which designs work best under given conditions. (sean.mcdermott@noaa.gov, 978/ 281-9113)

HUBLINE CONSTRUCTION NEARLY COMPLETE, RECOVERY MONITORING TO BEGIN

Construction of the Hubline gas pipeline is nearly complete. Only a small section near Quincy needs burial and surface contours reestablished, which will be done in the fall. Monitoring for recovery of aquatic resources and habitat along the Hubline route will begin this summer season. Successful recovery is based on a series of criteria, previously agreed to by the applicant and the resource agencies, with benchmarks for additional mitigation, continued monitoring, and/or recovery. Post-construction data collected within impacted areas will be compared to reference areas not affected by construction and baseline environmental data. Focus will be on the recovery of benthic organisms and substrate type. As part of the monitoring program, Algonquin was required to restore substrate contours (+/- 1 foot of pre-construction) and map the route for verification. The resource agencies [NOAA Fisheries, U.S. Environmental Protection Agency (EPA), Massachusetts Department of Environmental Protection (MADEP), and Massachusetts Division of Marine Fisheries (MADMF)] are currently evaluating maps verifying success of the contour restoration. (sean.mcdermott@noaa.gov, 978/ 281-9113)

MEDOT MEETING EVALUATING WORK WINDOWS

The Maine Department of Transportation (MEDOT) has facilitated two meetings between MEDOT staff, contractors, and resource agencies to evaluate use, effectiveness, understanding, and frustrations of time of year work windows. NOAA Fisheries staff has attended both meetings and will continue to participate. Future meetings will focus on education and early coordination. MEDOT staff and construction contractors have indicated a need for better understanding why resource agencies utilize work windows - what's impacted, how significant are the impacts, and what's actually protected. All agreed that early inclusion of resource agencies to identify concerns would help streamline the process. With resource concerns identified early, project design and timing can be incorporated more effectively. Subcommittees were designated to gather information based on specific topics of concern. Follow-up meetings will be coordinated this fall. (sean.mcdermott@noaa.gov, 978/ 281-9113)

FERC MODIFIES TERMS OF WEST WINTERPORT PROJECT LICENSE SURRENDER

On June 28, 2002, the Federal Energy Regulatory Commission (FERC) approved the license surrender and dam removal for a small hydroelectric facility on the North Branch Marsh Stream. Although abutting towns of Frankfort and Winterport opposed and appealed the dam removal, the FERC maintained the order for surrender with removal. Dam removal would have had significant habitat and ecological benefits for a number of diadromous species, including Atlantic salmon, American eel, and alewife which various state and federal resource agencies all supported. Interests in keeping the dam stalled the process. Consequently, a settlement agreement was drawn between the dam owner and the Town of Winterport in which the dam would remain in place and the Town of Winterport would not pursue control of the owner's land by eminent domain. The settlement agreement was submitted to FERC as a request for advice on how to proceed. In an issuance on June 18, 2004, nearly two years hence of FERC's order of removal, FERC considered the settlement agreement a withdrawal of the request for authorization to remove the project, and amended the surrender order by deleting the requirement

for dam removal. The amendment to the order for surrender is a step backwards in the restoration of habitat and anadromous fish passage on Marsh Stream. NOAA Fisheries, in consultation with other state and federal agencies, will determine how to proceed on this FERC action. (sean.mcdermott@noaa.gov, 978/ 281-9113)

SETTLEMENT SIGNED TO RESTORE PENOBSCOT RIVER

One June 25, 2004, a settlement agreement to restore the Penobscot River was signed by Interior Secretary Gale Norton, Governor John Baldacci, Penobscot Indian Chief Barry Dana, and other officials. As part of the agreement, the first two dams on the Penobscot River - Veazie and Great Works - will be purchased from Pennsylvania-based PPL Corp., and removed. The Howland Dam, the next upstream hydro facility, will also be purchased and decommissioned. Fish passage will be provided at Howland through creation of a nature-like fishway. If the fishway proves unsuccessful, an option for removal is incorporated in the agreement. The nonprofit group, Penobscot River Restoration Trust, has been established to purchase the three dams at a cost of approximately \$25 million, depending on timing of the purchase. Funding for the purchase must be raised in the next five years. Also in the agreement is a requirement for increased fish passage capacity at the Milford Dam and options for increased headponds at the Milford Dam and other PPL facilities on the Stillwater branch and mainstem of the Penobscot River. Removal and fishway improvements will add approximately \$25 million for the Penobscot River Restoration Trust to raise. The \$50 million needed to see this settlement agreement through completion will be raised through private, state, and federal contributions. NOAA Fisheries Restoration Center has provided some funding through Trout Unlimited for preliminary dam removal studies. (sean.mcdermott@noaa.gov, 978/ 281-9113)

ESSENTIAL FISH HABITAT (EFH) CONSULTATION TRAINING SESSIONS FOR THE ACOE

The Habitat Conservation Division (HCD) provided EFH Consultation training sessions for the Regulatory and Planning/Engineering divisions of the New England District, ACOE. The training sessions included a presentation on EFH consultation regulatory requirements, EFH descriptions and designations, and opportunities available for improving EFH consultations and regulatory streamlining. A question and answer session followed the presentation, which provided an opportunity for NOAA Fisheries and ACOE staff to discuss relevant topics. NOAA Fisheries would like the opportunity to conduct similar training sessions with other ACOE districts in the Northeast Region. (Mike.R.Johnson@noaa.gov, 978/ 281-9130)

NEW HAMPSHIRE PROGRAMMATIC GENERAL PERMIT (NH PGP) MEETING

The HCD participated in a meeting at the New Hampshire Department of Environmental Management (DES) office in Concord, NH regarding development of a joint processing meeting for the ACOE New Hampshire programmatic general permit (NH PGP). Currently, all ACOE coordination and authorization under the NH PGP are carried out following the State of New Hampshire's environmental review and authorization. This approach has led to some difficulties when federal resource agencies have provided recommendations to the ACOE for NH PGP projects, particularly when those recommendations were different or in conflict with those that the DES has required. The goal of the recent meeting was to attempt to develop a federal and state process that would be more of a parallel approach, rather than a serial approach to environmental review and permitting. The anticipated outcome of the new process would be a

more streamlined permit review process that should provide better coordination between New Hampshire state, federal resource agencies, and ACOE permit staff. This improved coordination process should reduce the time and work involved with permit review by both state and federal staff. Subsequently, this should minimize the need to modify projects proposed for permitting and reduce the applicant's time involved in the permitting process.

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BYCATCH IN NORTHEAST FISHERIES: MOVING FORWARD

The Northeast Regional Office (NERO) organized a bycatch workshop that took place in Wakefield, MA on June 29- July 1. The attendees included representatives from NOAA Fisheries, the fishing industry, recreational fishing, and environmental organizations. There were numerous poster and booth displays focused on gear technology, fish behavior, and fishing methods. The working groups consisted of a diverse panel discussion and a facilitated group discussion for each subject area (science and research, data and monitoring, gear engineering, and management). Many innovative ideas and opinions were generated in this workshop. The need for clarification between the terms "bycatch" and "discard" and the need for better data to base management decisions on were common issues among many of the groups. Other issues included: the need for increased coordination and communication among the fishing industry, fishery managers, and scientists; a streamlined funding and permitting process to reduce patchwork research and competition among researchers; incentives and rewards to foster a stewardship approach to fishing; and discouraging conditions that promote regulatory and economic discards. The information and ideas gathered in this workshop will be used by NERO to update the Regional Bycatch Implementation Plan. **(Marcy.Scott@noaa.gov, 978/ 281-9108)**

SUMMER INTERNS PRESENT POSTER ON SEABIRD BYCATCH

Northeast Region HCD Summer Interns Eileen Marum and Hajure Fontaine presented a poster at the recent workshop on "Bycatch" sponsored by the Regional Office. Although not a typical habitat issue, their poster addressed the issue of seabird bycatch and contributed to the Regional Office's effort to bring more focus to the reduction of bycatch in fisheries. This poster was needed to fill a critical void and was the only one at the conference devoted to the topic. The poster, entitled "NOAA Fisheries Moving Forward on Seabirds," was a collaboration between staff from the Pacific Islands, Southwest, Alaska, and Northeast Regions. Eileen and Hajure report that it was well received and that all the handouts were snapped up in a day, indicating a strong interest in the subject. **(Kathi.Rodrigues@noaa.gov, 978/ 281-9324)**

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

ASIAN OYSTERS IN CHESAPEAKE BAY

The Norfolk District, ACOE, issued a revised permit to the Virginia Seafood Council (VSC), allowing a stock of sterile Suminoe oysters (*Crassostrea ariakensis*) previously introduced into ten select aquaculture locations in Chesapeake Bay to remain in the water until April, 2005. The original permit allowed the introduced oysters to remain in these waters no longer than June 30, 2004. This was based on concerns of shellfish biologists that a sufficient number of sterile

oysters would revert to a fertile stage when bay waters become warmer, and produce enough progeny to establish a viable population of these non-native oysters. NOAA Fisheries, Northeast Region, submitted a letter to the Norfolk District recommending that the permit extension not be issued, based on the risk of establishing a fertile population of non-native oysters. Since then, HCD staff has teamed up with the Chesapeake Bay Office NOAA Fisheries headquarters and the Oxford Cooperative Laboratory to address their issues. Our NOAA team in cooperation with Region 3 of the EPA, the Annapolis Field Office of the U.S. Fish and Wildlife Service (USFWS), and the Virginia Institute of Marine Sciences, then developed permit conditions which provide adequate safeguards to reduce the risk of establishing a population of non-native oysters. The Northeast Region is expecting a copy of the draft permit from the Norfolk District for review. The revised permit will include the conditions drafted cooperatively by the resource agencies. (**Stanley.W.Gorski@noaa.gov**, 732/ 872-3037; **Jamie King**, 410/ 267-5655; **Fred Kern**, 410/ 226-5193; **Tim.Goodger@noaa.gov**, 410/ 226-5606)

PASSAIC RIVER SYMPOSIUM

HCD staff attended the Passaic River Symposium “Who’s doing what?” held June 9, 2004 at Montclair University. The event was hosted by the newly formed Passaic River Institute at Montclair University and New Jersey Department of Transportation’s Office of Maritime Resources. One session featured presentations on the activities of the state and federal agencies in the Passaic River, including the state and federal partnership formed to remediate and restore the lower Passaic River from the Dundee Dam downstream to its confluence with Newark Bay. The agencies will use their authorities under the Superfund Program and the Water Resources Development Act (WRDA) to develop a comprehensive watershed plan to address contaminants, water quality, and habitat restoration. Other sessions included presentations on contaminated sediments, biological resources and brownfields, and waterfront revitalization. The keynote speaker at lunch was Brad Campbell, the Commissioner of New Jersey Department of Environmental Protection. (**Karen.Greene@noaa.gov**, 732/ 872-3023)

PORTWAY MEETING

The New Jersey Department of Transportation (NJDOT) invited HCD staff to a meeting to discuss the agency’s proposed Portway project, a comprehensive program that will upgrade the truck transportation system from Port Newark/Port Elizabeth to the rail lines in the area. There are several components to the project including improvements to existing roadways and the construction of new roadways and a new crossing over the Passaic River. Although the primary focus of the meeting was to discuss the improvements to Fish House Road and Penn Avenue, other components of the project were also discussed briefly. HCD will continue to work with the NJDOT, the New Jersey Department of Environmental Protection, and the appropriate federal agencies on the entire Portway program as it is developed. (**Karen.Greene@noaa.gov**, 732/ 872-3023)

INTERAGENCY WETLANDS MEETING

HCD hosted the 2nd Interagency Wetlands Meeting this month at the James J. Howard Laboratory at Sandy Hook. The meeting, held three to four times a year, is meant to foster the exchange of information on wetland issues among the various state and Federal agencies in New Jersey. Attendees included representatives from the ACOE, the EPA, USFWS, the Natural Resources

Conservation Service, the Federal Highway Administration, the New Jersey Department of Environmental Protection, the NJDOT, and the New Jersey Meadowlands Commission. Topics discussed included updates on the National Mitigation Action Plan, the ACOE's mitigation guidance, the SWANCC decision, and EPA's Wetland Grant Program. The New York ACOE and NOAA's Restoration Center gave presentations on their environmental restoration programs, and the Northeast Fisheries Science Center provided an introduction to the activities that occur at the Howard Lab. The next meeting is planned for October with EPA as the host.

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DELAWARE RIVER DEEPENING

As part of the ACOE' Delaware River deepening project, rock blasting would occur in the vicinity of Marcus Hook, PA during the December 1 to March 15 blasting seasonal restriction set by the Delaware River Basin Fish and Wildlife Management Cooperative for the minimization of fisheries impacts. To collect additional information concerning shortnose sturgeon and Atlantic sturgeon, the ACOE proposes to survey the blast area for the presence of sturgeon during the winter of 2004/2005. Survey techniques include a combination of underwater video, small mesh gill netting, and slack water trawling. A scope of work is being reviewed by Habitat staff and consultation with the Protected Resources Division has been initiated.

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EROSION AND SAFETY MEASURES PROPOSED FOR THROGS NECK BRIDGE

The Metropolitan Transit Authority Bridge & Tunnel Authority has requested ACOE authorization to discharge fill material into waters of the United States along several piers of the Throgs Neck Bridge, and to install fender piles to protect the bridge from navigation collisions. Staff from the Milford Field Office is finalizing coordination on this application with the New York District, ACOE and will provide written comments with conservation measures shortly.

(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

FISHING TOURNAMENT SCHEDULED FOR HUDSON RIVER

The Bass Masters U.S. Open fishing tournament is scheduled for mid-August in the Catskill Creek reach of the Hudson River. Tournament activities will take place from dawn to 5 PM daily, with about 175 vessels and 350 anglers participating for the three day event. Staff from the Milford Field Office are coordinating with the US Coast Guard (USCG), which is responsible for conveying a "marine event" finding. Given the tournament's location, some level of Endangered Species Act coordination also will be necessary with the NOAA Fisheries' Protected Resources Division in Gloucester, MA. We expect that the project proponents will provide the necessary information by the first week in July. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

INTERAGENCY REVIEW COMPLETED FOR LAFAYETTE AVENUE PARK

The New York City Department of Parks and Recreation has proposed to construct a waterfront park as part of the Bronx River Greenway between Lafayette Avenue Extension and Edgewater Road. Dredging will be conducted in the highly developed waterfront parcel to create a "cove"

and rocky intertidal area as well as upland recreation appurtenances. A pier and landing for small vessels also would be constructed to enhance local water access. Staff from the Milford Field Office have completed project coordination with the New York District, ACOE. It appears likely that the ACOE will make a final permit decision by the end of summer.

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ELECTRIC UTILITY ISSUES ACROSS LONG ISLAND SOUND NEAR RESOLUTION

The ongoing battle to share electric power between Connecticut and Long Island appears to be resolved two years after the controversial Cross Sound cable was constructed. Designed to carry 330 megawatts (MW), the New Haven, Connecticut to Shoreham, New York cable was energized under emergency order after the Northeast Blackout last August and subsequently taken back out of service in the spring. Under the present agreement, Connecticut allows the cable to be activated and the three electric involved utility parties will pay \$6 million into a Long Island Sound Recovery fund. Portions of the cable that were installed at shallower depths than called for in the federal permit issued by the New England ACOE District will be buried to authorized depth. In addition, the Long Island Power Authority (LIPA) will cover half the cost of repairing and replacing the "1385" cable, a 30-year-old electric line under the Sound between Norwalk, Connecticut and Northport, New York that has been leaking hazardous chemicals. Some estimates place LIPA's cost for this repair up to \$40 million. Staff at the Milford Field Office will continue to coordinate with the New England and New York ACOE Districts on aquatic resource matters for both the Cross Sound and 1385 cable projects until matters relating to NOAA Fisheries' Trust resources are resolved. **(Michael.Ludwig@noaa.gov, or Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

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POPLAR ISLAND EXPANSION PROPOSED

Plans are moving forward to expand Poplar Island, the 1200-acre site in Chesapeake Bay that was re-created using dredged material from the approach channels to Baltimore Harbor, MD. Expansion is planned both laterally and vertically. Various alignments are being considered that will result in between 313 and 1129 acres of additional disposal capacity. Vertical expansion would be in 5-foot increments, increasing from the current 23 feet, up to a potential 40 feet. Although NOAA Fisheries supports vertical expansion of the island to aid the port in managing the anticipated shortfall in disposal capacity, we are concerned with lateral expansion and the potential impacts on estuarine habitats.

Options being considered are those that would provide additional protection to Poplar Harbor, improve habitats for birds and fish, in general, and for diamondback terrapin and submerged aquatic vegetation in particular. At present, it appears that northeast expansion of both uplands and low marsh is preferred. **(Tim.Goodger@noaa.gov, 410/ 226-5606)**

BENTHIC HABITAT MAPPING IN DELAWARE BAY

The Nature Conservancy has been coordinating with federal resource agencies, resource agencies

within the State of Delaware, and the University of Delaware relative to on-going efforts to map benthic habitats within Delaware Bay. Currently, the state is mapping both surface and sub-surface habitats by sediment type using acoustical instruments and other techniques. Efforts have focused on areas from the shoreline to a distance one-mile channelward to find sand sources for beach replenishment. Plans to expand efforts in the future depend upon funding and availability of a larger vessel required to work in deeper waters. NOAA NOS, who has the needed vessels and equipment, has expressed interest in more comprehensive coverage of the bay. New Jersey has shown an interest in collaborating on the mapping effort, especially with respect to mapping oyster bars. A meeting is planned for New Jersey in the future.

Shoals, other areas with topographic relief, tubeworm reefs, sponge reefs, blue mussel aggregations, cobble, and oyster beds were identified as high priorities for mapping. Once benthic habitats are mapped according to sediment type, attention will be turned to identifying biological communities associated with various bottom habitats. (**Tim.Goodger@noaa.gov**, **410/ 226-5606**)